



C I T Y O F A T L A N T A

SHIRLEY FRANKLIN
MAYOR

OFFICE OF CONTRACT COMPLIANCE
55 TRINITY AVENUE, SW, SUITE 1700
ATLANTA, GEORGIA, 30303
OFFICE (404) 330-6010
FAX (404) 658-7359

THE EQUAL BUSINESS OPPORTUNITY PROGRAM ELIGIBLE BIDDER APPLICATION

Dear Prospective Eligible Bidder:

Thank you for your interest in becoming approved as an Eligible Bidder to do business with the City of Atlanta. All Potential Bidders must become Eligible Bidders as described in the City of Atlanta Code of Ordinances prior to bidding on a contract to do work with the City of Atlanta. The enclosed application details the process of becoming an Eligible Bidder and describes the three alternate Eligible Bidder Categories.

ALL questions on the Eligible Bidder Application must be answered completely and ALL requested documentation must accompany the notarized application. Submit the completed application and the accompanying documentation to the Office of Contract Compliance at the above listed address. Failure to complete portions of the application and provide the required documentation will delay the approval process or result in denial of eligibility.

The information on the application must be true and accurate to the best of the applicant's knowledge. The application must be signed and notarized. The information requested is for use by the Office of Contract compliance only and will be kept confidential to the extent allowable by law.

If your company is denied approval as an Eligible Bidder, you have the right to appeal the decision. You may file a Notice of Appeal with the Director of the Office of Contract Compliance in writing, within seven (7) calendar days of receipt of the letter of denial. The office of Contract Compliance bases its decisions on the City of Atlanta Code of Ordinances, Sections 2-1441 through 2-1480.

If you have any questions please contact the Office of Contract Compliance at (404) 330-6010.

**ELIGIBILITY REQUIREMENTS FOR CATEGORIES A, B, AND C
AS DEFINED BY THE CITY OF ATLANTA CODE OF ORDINANCES,
SECTIONS 2-1441 THROUGH 2-1480**

**Eligible Bidder Category A
(Ability to Demonstrate Prior MBE & FBE Participation)**

All Potential Bidders interested in applying for eligibility under Category A to do business with the City of Atlanta are required to submit written documentation reflecting prior MBE and FBE participation on both private sector and governmental projects, as outlined in the City of Atlanta Code of Ordinances, Section 2-1449(a)(2)(A). A Potential Bidder must provide written documentation demonstrating that, for all work performed on projects in the ten county Atlanta Region during the two (2) year period immediately preceding the date of its application to become an Eligible Bidder, at least seventeen percent (17%) of the total project dollars awarded were subcontracted to or expended for services performed by one or more MBEs, **AND** at least seventeen percent (17%) of the total project dollars awarded to the potential bidder were subcontracted to or expended for services performed by one or more FBEs.

The projects submitted to indicate the previous two years of work performed in the Atlanta Region must involve a trade or service included within any or all of the SIC Codes listed in the City of Atlanta Code of Ordinances, Section 2-1449. If a Potential Bidder has not undertaken any projects in the Atlanta Region within two years prior to the date of its application which involve a trade or service included within any of the SIC Codes specified in the City of Atlanta Code of Ordinances, the Potential Bidder may meet the forgoing requirements by verifying that, during the two-year period immediately preceding the date of its application to become an Eligible Bidder, it has met the measures set forth above for projects undertaken in the Atlanta Region, which involved a trade or service included within all other SIC Codes.

If the Potential Bidder wishes to become an Eligible Bidder for a specific upcoming Eligible Project, the application for approval and all supporting documents must be received by the Office of Contract Compliance no later than **thirty (30) calendar days prior to the date bids are received** on such Eligible Project. If the application is not received within the required time period, the Potential Bidder may only be approved as an Eligible Bidder for such project under Category C.

**Eligible Bidder Category B
(Ability to Demonstrate Prior Good Faith Outreach Efforts)**

All Potential Bidders interested in applying for eligibility under Category B to do business with the City of Atlanta are required to submit written documentation reflecting prior good faith outreach efforts to utilize MBEs and FBEs on both private sector and governmental projects, as outlined in the City of Atlanta Code of Ordinances, Section 2-1449(a)(2)(B). All Potential Bidders must provide written documentation of prior good faith outreach efforts demonstrating that during the two year period immediately preceding the date of this application, the potential bidder identified, contacted, contracted with or otherwise utilized all businesses, including MBEs and FBEs, as subcontractors or suppliers for all projects undertaken in the private or public sector which involved a trade or service included within any of the SIC Codes listed in the City of Atlanta Code of Ordinances Section 2-1449. Good faith outreach efforts shall include documentation of all of the following:

1. The potential bidder contacted the private sector or governmental entity, and (such as the Office of Contract Compliance) that awarded the contract, other private sector and governmental entities, or local MBE and FBE organizations to identify qualified, available businesses, including MBEs and FBEs regardless of race, gender or ethnicity;
2. The Potential Bidder placed notices of opportunities for subcontracting work for qualified firms in newspapers, trade journals, and other relevant publications, including publications specifically targeting MBEs and FBEs, or communicated such notices of opportunities via the Internet or by other available media or means;
3. The Potential Bidder submitted invitations to bid to potential qualified businesses, including MBEs and FBEs regardless of race, gender or ethnicity;
4. The Potential Bidder included in such notices and invitations a full disclosure of the criteria upon which bids, proposals or quotes would be evaluated, and also included contact information for inquiries, submissions, or requests to review any necessary bid documents;
5. The Potential Bidder promptly responded to inquiries, provided necessary physical access and time for interested businesses to fully review all necessary bid documents, and otherwise provided information, and provided access and time to allow businesses to prepare bids and quotes, regardless of race, gender or ethnicity; and
6. The Potential Bidder considered, hired, or otherwise utilized qualified, available businesses, including MBEs and FBEs, regardless of race, gender or ethnicity.

If the Potential Bidder wishes to become an Eligible Bidder for a specific upcoming Eligible Project, the application for approval and all supporting documents must be received by the Office of Contract Compliance no later than **thirty (30) calendar days prior to the date bids are received** on such Eligible Project. If the application is not received within the required time period, the Potential Bidder may only be approved as an Eligible Bidder for such project under Category C.

Eligible Bidder Category C (Commitment to Future Good Faith Outreach Efforts)

All Potential Bidders interested in applying for eligibility under Category C to do business with the City of Atlanta are required to make a written commitment to future good faith outreach efforts to utilize MBEs and FBEs on both private sector and governmental projects, as outlined in the City of Atlanta Code of Ordinances, Section 2-1449(a)(2)(C). All Potential Bidders must agree in writing that during the initial two year period for which it is approved as an Eligible Bidder, it will engage in good faith outreach efforts (as described under Category B) to identify, contact, contract with, or otherwise utilize all businesses, including certified MBEs and FBEs, as subcontractors or suppliers on all projects in the private sector or for a governmental entity for which it submits a bid or is awarded a contract which involves a trade or service included within any or all of the SIC Codes in which the Potential Bidder seeks to do business with the City of Atlanta and will maintain written documentation demonstrating such compliance. A Category C Eligible Bidder must also commit to submitting a Subcontractor Project Plan to be evaluated by the Office of Contract Compliance with the bid for all City of Atlanta Eligible Projects on which the Bidder bids on during that two years Category C Eligibility. A Potential Bidder that has previously been approved as an Eligible Bidder under Category C may not reapply to become an Eligible Bidder under Category C. Subsequently, a Category C bidder must reapply only under Category A or Category B in order to bid on Eligible Projects.

If the Potential Bidder wishes to become an Eligible Bidder for a specific upcoming Eligible Project, the application for approval as an Eligible Bidder under Category C must be received by the Office of Contract Compliance no later than **three (3) calendar days prior to the date bids are received** on such Eligible Project. In the event that the Potential Bidder wishes to be deemed an Eligible Bidder under Section 2-1449(a)(2)(A) or 2-1449(a)(2)(B), but missed the **thirty (30) day** deadline prior to a specific Eligible Project, the Potential Bidder may submit an application for approval for the specific Eligible Project following all of the guidelines for Category C.

The Office of Contract Compliance will evaluate whether the business is qualified to be an Eligible Bidder under Section 2-1449(a)(2)(C) for the specific project, and will then evaluate the qualifications as submitted otherwise on the application to be an Eligible Bidder under 2-1449(a)(2)(A) or 2-1449(a)(2)(B) for all future projects in which bids are received at least **thirty (30) days** after the Potential Bidder's application was submitted.

**EQUAL BUSINESS OPPORTUNITY (EBO)
ELIGIBLE BIDDER AFFIDAVIT
FOR**

Name of Enterprise

Do you anticipate bidding on a City of Atlanta project within the next 60 days?
_____ **Yes** _____ **No** **Bid Due Date:** _____

FC# _____ **Name of Project:** _____

(NOTE: Please answer “Yes” to the above question if you think you may be bidding on an upcoming project, even if you are not certain.)

The information supplied herein by an authorized individual shall serve as the requested documentation for approval as an Eligible Bidder under Category A, B or C as defined herein.

All questions on this affidavit must be completed and all required supporting documents must be included, along with the signature of the authorized persons where requested. This Eligible Bidder Affidavit must be signed and notarized prior to evaluation by the Office of Contract Compliance.

“Atlanta Region” shall mean the geographical area consisting of Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry and Rockdale counties.

“Eligible Bidder” Any business which has been approved by the Office of Contract Compliance to submit a quotation, bid, offer or proposal to provide labor, materials, supplies or services to the City on an Eligible Project.

“Potential Bidder” Any person who files an application with the Office of Contract Compliance for qualification as an Eligible Bidder to submit a quotation, bid, offer or proposal to provide labor, materials, supplies or services to the City on an Eligible Project.

“Standard Industrial Classification (SIC) Code” The standard code that classifies industries by the type of activity in which such industries are primarily engaged.

“Supplier” A warehouser or manufacturer of materials, supplies or equipment which contracts directly with a Potential Bidder or Eligible Bidder to provide such materials, supplies or equipment on a project which involves a trade or service within any or all of the SIC Codes listed in Section 2-1449(a)(1) of the Ordinance.

1.

Select from the following list the specific SIC Code(s), which describe or include the type of work performed by your business:

<u>SIC CODE</u>	<u>Description</u>
07	Agricultural Services
15	Building Construction – General Contractors and Operative Builders
16	Heavy Construction other than Building Construction – Contractors
42	Motor Freight Transportation and Warehousing
73	Business Services
87	Engineering, Accounting, Research, Management, and Related Services
_____	_____
_____	_____
_____	_____

In an effort to become an approved Eligible Bidder for participation in the City of Atlanta's Equal Business Opportunity Program to bid on work with the City, this applicant offers the following information as evidence of its qualifications:

2.

Name of the Principal, Owner, Partner, or Corporate Officer: _____ Title _____

Mailing Address/Principal Place of Business: _____

Street Address (If different from Above): _____

City: _____ County: _____ State: _____ Zip: _____

Telephone: (____) _____ Fax: (____) _____

E-mail Address: _____

Primary Contact Person: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Please indicate the ethnicity and gender for applicant business owner.

Is the applicant business currently or has applicant business ever been certified with the City of Atlanta as a minority or female business enterprise? _____ Yes _____ No

3.

A. Has the applicant business previously been approved as an Eligible Bidder with the City of Atlanta?

_____ Yes _____ No

B. If YES, in what Category?

_____ Ability to Demonstrate Prior MBE and FBE Participation (“**Category A**”)

_____ Ability to Demonstrate Prior Good Faith Efforts (“**Category B**”)

_____ Commitment of Future Good Faith Efforts (“**Category C**”)

C. If you answered YES to questions A or B above, please provide a copy of the previous approval certificate.

D. Has applicant business previously been denied eligibility under Category **A**, **B**, or **C** as an Eligible Bidder?

_____ Yes _____ No

E. If YES, submit a copy of the denial document.

F. Have any of the principals of your firm participated or been involved in another firm which has been the subject of a challenge, appeal or suspension of Eligible Bidder status by the City of Atlanta? _____Yes _____No

G. If YES, describe the following: (a) the name of the enterprise, (b) the name of the principal, (c) whether the action was a suspension, (d) whether the enterprise filed a formal appeal, and (e) the current status of the challenge, appeal and/or suspension:

4.

A. Does the business share space with another business? _____Yes_____No

B. Is the applicant business affiliated with or a subsidiary of any other business in any way?
_____Yes_____No

C. If YES to any part of question 4, please complete the following:

Name of Other Firm	Address	Business Relationship to Applicant Business

If interested in applying for eligibility only under **Category A**, please complete questions 5 & 6. If interested in applying for eligibility only under **Category B**, please complete questions 5, 6, 7, and 8. If interested in applying for eligibility only under **Category C**, please skip to question 9.

5.

List all projects in the ten county Atlanta Region (governmental and private sector) that the applicant business has worked on during the immediate past two years in any or all of the SIC Codes listed on page 5 of this application, and provide the information requested in the chart below for each project.

Project Name	Description of Work Performed	Start and Ending Date of Project	Total Dollar Value of Project	Name of Owner and Contact Information

(Please make copies of this sheet if additional sheets are required.)

Annual Compliance Report

For each project listed in question 1 complete this participation form including ALL subcontractors, suppliers, joint ventures and mentor protégé relationships utilized during the project. Complete a separate form for each project.

Project Utilization Form

_____ Project Name

Name of Business Utilized	Company Name, Address and Phone Number	SIC Code or Type of Work to be Performed	Ownership of Business if AABE; HBE; or FBE	Certification No. & Expiration Date if Applicable	Dollar (\$) Value of Work	Percentage of Total Contract Amount

(Please make copies of this page if additional sheets are required.)

7.

If interested in being approved for eligibility under **Category B**, please indicate the good faith outreach efforts made by your business during the immediate two years to identify, contact, contract with or otherwise utilize businesses including AABEs, HBEs, and FBEs as subcontractors and suppliers on all projects undertaken in the private sector or for governmental entities that involved work in any of the SIC Codes listed on page 5 of this application.

A. Please complete Table 5 and Table 6 above.

B. For each project listed on question 5 name the organizations and governmental entities contacted to identify qualified and available businesses:

Entity Contacted	Date Contacted	Information Requested

Please provide any proof of such contact.

8.

- A. Describe how notices of opportunities for subcontracting work were advertised and provide a copy of the notices placed in each publication and or web site.

Name of Publication	Target of Publication

- B. Provide a copy of Invitations to Bid, including the criteria of evaluation and contact information for inquiries and make any necessary documents available for review.
- C. Provide a list of businesses that were sent Invitations to Bid. Provide information regarding all contact with each of the listed businesses by mail, fax, e-mail, or telephone. Indicate whether quotes were received by the applicant business and if so please indicate why the business or businesses were not utilized.

9.

If interested in being approved for eligibility under **Category C**, please sign and date the following statement:

The applicant business seeks to be approved as an Eligible Bidder in Category C. As a Category C Eligible Bidder throughout the following two-year eligibility period, for every City of Atlanta project, the Applicant Business understands that a Subcontractor Project Plan must be completed and submitted with the bid. No Eligible Bidder under Category C shall be awarded a contract on an Eligible Project unless a Subcontractor Project Plan is submitted with its bid submission.

During the period for which

(Name of Enterprise)

is approved as an Eligible Bidder, the applicant business further agrees it will engage in good faith outreach efforts to identify, contact, contract with, or otherwise utilize all businesses, including MBEs and FBEs, as subcontractors or suppliers on all projects in the private sector or for a governmental entity for which it submits a bid or is awarded a contract and involves a trade or service included within any or all of the SIC Codes listed on page five of this application. Applicant business will provide written documentation demonstrating its compliance with this paragraph as required by the Office of Contract Compliance.

Signature

Date

Print Name and Title

The undersigned does hereby swear or affirm that the statements contained in this Eligible Bidder Affidavit and all attachments herein which have been provided in support of the foregoing application for approval as an Eligible Bidder are true, accurate, complete and include all information necessary to identify and explain the ownership and operation of:

(Applicant Business)

Further, the undersigned does covenant and agree to provide the City of Atlanta's Office of Contract Compliance with current, complete and accurate information regarding this Affidavit, its attachments or any other information deemed reasonably relevant to any project or contract issued by the City of Atlanta. The undersigned further agrees that as part of this eligibility procedure, the Office of Contract Compliance may freely contact any person or organization named in this application to verify statements made in this application and/or to secure additional information or data required to grant to or withhold from the applicant enterprise approval as an Eligible Bidder. The undersigned understands and agrees that failure to submit required materials and/or to consent to interview(s); audit(s); and/or examination(s) will be grounds for immediate rejection of this application as an Eligible Bidder.

It is recognized and acknowledged that the statements contained in this application are being given under oath and that any material misrepresentation shall be construed and deemed to be subject to Section 17-11012 of the City of Atlanta's Criminal Code of Ordinances in addition to being grounds for denial of Eligible Bidder approval and may result in the denial of an award or the termination of contract which may have been awarded as a result of the information contained in this application.

The undersigned further acknowledges that information contained in this application may be shared with any public department or agency so long as the sharing of such information is in reasonable furtherance of the Office of Contract Compliance investigation. It is further understood that approval will be revoked if after proper investigation by the Office of Contract Compliance, the applicant is determined to be engaging in activities, which circumvent the intent of the EBO Program.

The undersigned further acknowledges that Eligible Bidder approval is normally reviewed every two years; however, the Office of Contract Compliance retains the right to re-evaluate the contents of this application at any time.

Name of Person Signing:
(Print)

Title of Person Signing: (Print)

Signature: _____
(Must match name of person signing)

Sworn to and Subscribed Before Me, this _____ Day of _____
Notary Public (Must exhibit seal and stamp to be acceptable).